IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17555 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VALSAD DISTRICT CENTRAL CO OP BANK LTD.

Versus

VALSAD DISTRICT CO OP BANK EMPLOYEES UNION

Appearance:

1. Special Civil Application No. 17555 of 2003

MR AK CLERK for Petitioner No. 1

MR PS CHARI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 26/07/2004

ORAL JUDGEMENT

Rule was issued in this matter on 16th December 2003 and ad-interim relief in terms of para 26 was also granted by the said order. Though the matter is placed

for confirmation of interim relief, the learned advocates appearing for the parties request that the entire petition can be disposed of by giving suitable directions regarding early disposal of the reference now pending before the Central Government Industrial Tribunal, Ahmedabad.

2. In the present petition, the petitioner has challenged the interlocutary order passed by the Industrial Tribunal (Central), Surat on 10.6.2003 in Reference (ITC) No.31/99. The learned advocates for the parties submit that the reference which is pending before the Industrial Tribunal can itself be finally ordered to be disposed of within a certain time frame and if that is done, the parties would not be agitating their rights and contentions in the present petition as well as in opposition to the petition.

3. Considering the submissions made, I am of the view that it would be expedient and desirable to direct the final disposal of the reference (ITC) No.31/99 pending before the Central Government Industrial Tribunal, Ahmedabad finally instead of keeping the present petition pending and considering the question of interim relief. Accordingly, it is requested that the Central Government Industrial Tribunal, Ahmedabad will give priority consideration to the pending reference (ITC) No.31/99 and ensure that the same is disposed of finally as far as possible within a period of six months from the date of receipt of a copy of this order. The interim relief granted by this Court by its order dated 16th December 2003 shall continue till the final disposal of the abovementioned reference. It is needless to state that it will be open to both sides to take all legal contentions that may be available to them and disposal of this petition shall not come in the way in placing all legal issues before the Industrial Tribunal. It is further observed that the Industrial Tribunal while disposing of the reference finally will not be influenced by the fact that this Court had earlier granted interim injunction against the interlocutory order.

4. With these observations and directions, the petition stands disposed of. Rule is made absolute to the above extent with no order as to costs.

(Akil Kureshi, J.)
(vjn)